

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GLOBAL DIVING & SALVAGE, INC.,

Plaintiff,

v.

F/V PREDATOR, INC.,

Defendant.

F/V PREDATOR, INC.,

Third-Party Plaintiff,

v.

COASTAL MARINE FUND, FEDERAL
INSURANCE COMPANY THROUGH
CHUBB GROUP, and GREAT AMERICAN
INSURANCE COMPANY OF NEW YORK,

Third-Party Defendants.

Case No. C06-5066FDB

ORDER OF DISMISSAL

Federal Insurance Company (Federal) has responded to the Court's Order To Show Cause why its cross-claim against Great American Insurance Company (Great American) should not be dismissed and this cause of action closed. Great American has filed a reply, and the matter is ripe for

1 the Court's consideration.


2 The parties have called to the Court's attention the fact that a new case has been filed in this
3 Court by Fishing Vessel Predator against Federal Insurance Company and Great American Insurance
4 Company of New York, Cause No. C08-5080RBL. In its response to the Show Cause Order,
5 Federal moves again for leave to deposit the subject funds into the Court's Registry and then
6 requests that F/V Predator's lawsuit, C08-5080RBL be consolidated with this case. Great American
7 replies opposing both deposit of the funds that Federal holds and consolidation.

8 There is no dispute that the cross-claim between Federal and Great American is moot, Great
9 American having spent all of its policy limits plus more since the time that Federal first asserted its
10 cross-claim for contribution of insurance proceeds. Moreover, F/V Predator's lawsuit against
11 Federal and Great American (C08-5080RBL) brings all three entities before the Court in one action.
12 Accordingly, the Court can find no reason to keep this cause of action open or to consolidate it with
13 the other.

14 NOW, THEREFORE, IT IS ORDERED:

- 15 1. The Cross-claim of Federal Insurance Company is found to be MOOT and is
16 DISMISSED;
- 17 2. Renewed Motion of Federal Insurance Company to deposit funds into the Court's
18 Registry is DENIED;
- 19 3. There being no parties or claims remaining in this case, this cause of action is
20 DISMISSED.

21 DATED this 27th day of March, 2008.

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23 _____
24 FRANKLIN D. BURGESS
25 UNITED STATES DISTRICT JUDGE